

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MLUXE WILLIAMSBURG, LLC,

Plaintiff,

VS.

HISCOX INSURANCE
COMPANY, INC., *et al.*,

Defendants.

Case No. 4:25-cv-00002

MEMORANDUM AND ORDER

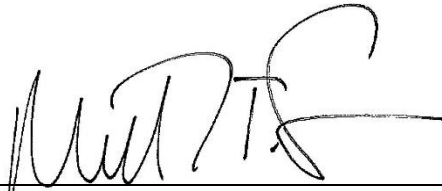
This matter is before the Court on review of the file. It appears that when Defendant Hiscox Insurance Company, Inc., removed this action, Plaintiff had not yet served Defendant E&W Enterprises, LLC. Pursuant to Federal Rule of Civil Procedure 4(m), if a defendant is not served within ninety days after the complaint is filed, the Court “must dismiss the action without prejudice against that defendant” or “order that service be made within a specified time.” Fed. R. Civ. P. 4(m). In cases removed to federal court, the ninety-day period under Rule 4(m) runs from the date of removal, not the date the plaintiff filed the petition in state court. *Taylor v. Clark Equip. Co.*, 4:22-cv-00201-SRC, 2022 WL 1640372, at *6 (E.D. Mo. May 24, 2022) (collecting cases). Over ninety days now have passed since removal.

Accordingly,

IT IS HEREBY ORDERED that, no later than **Wednesday, May 14, 2025**, Plaintiff must serve Defendant E&W Enterprises, LLC, and file proof of such service. The

failure to file proof of service of Defendant E&W Enterprises, LLC, by that date will result in dismissal of the action against that Defendant without prejudice pursuant to Federal Rule of Civil Procedure 4(m).

Dated this 7th day of May 2025.



MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE